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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,202	12/26/2001	Peter W. Shipp JR.	16038	1394
23556	7590	12/03/2003		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER SINGH, ARTI R.	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,202	<b>Applicant(s)</b> SHIPP, PETER W.
	<b>Examiner</b> Ms. Arti Singh	<b>Art Unit</b> 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
  - 2a) This action is FINAL.      2b) This action is non-final.
  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-7 and 18-20 is/are pending in the application.
  - 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-7 and 18-20 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04/09;11/1.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's faxed response indicating Applicant's election of Group 1, i.e. claims 1-7 and 18-20 is affirmed. Applicant elected without traverse. Please cancel nonelected claims.

*Information Disclosure Statement*

2. Thus far there have been two IDS's submitted by Applicant dated 11/22/02 & 04/11/03. Both have been reviewed, signed and are being remitted herewith.

*Specification*

3. The disclosure is objected to because of the following informalities: It is suggested that Applicant amend the title of the application, as the claims under prosecution are not directed towards the method of using. Appropriate correction is required.
4. The uses of Trademarks/Tradenames have been noted throughout this application. They should be capitalized wherever they appear (for example KRATON®) and be accompanied by the generic terminology. Although the use of Trademarks/Tradenames is permissible in patent applications, the proprietary nature of the marks/names should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as a trademark or trademark. To describe physical or other properties of material by mere use of trademark is objectionable since it has tendency to make trademark descriptive of product rather than leaving trademark to serve its traditional purpose, which is to identify product's source of origin.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 01/08541 A1 issued to O'Keefe.

WO 01/08541 A1 issued to O'Keefe in a nutshell teaches a substrate impregnated or at least partially coated with a moisturizing cream base compatible with a protective glove material and containing little or no moisture (page 2, line 35 to page 3, line 7). The substrate per se is a wipe or a towelette (page 3, line 9). The article of manufacture is sterile, and when sterile the moisturizing cream base and any optional ingredients should be compatible with the sterilization process chosen. The moisturizing cream base is formed from oils and/or greases such as mineral oils and petroleum based materials, vegetable and animal fats and oils or silicone oils and waxes or a combination thereof (page 3, lines 30-35). On page 4, the instant patent teaches a plethora of ingredients that comprise as suitable components of the moisturizing cream base. The moisturizing cream base is impregnated in or coated on the substrate in an amount sufficient to enable it to be transferred to the skin

and in an amount less than that which would cause the skin to become too slippery (page 5, lines 11-16). Suitable substrates may be paper-like and can be made from non-woven material, paper, cotton, rayon, a woven material, wadding, felt, sponge or a mixture thereof (page 5, line 17 onwards). The moisturizing cream base may also suitably contain optional ingredients such as antiseptics, emulsifiers, skin conditioners, thickeners, pH adjusting agents, hemectants, colorants, fragrances, preservatives and antioxidants like Vitamin E (page 6, lines 6-12). In the working Examples the instant patent discloses that the composite is at least a trilaminate thus making it multi layered (page 7, line 9).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/08541 A1 issued to O'Keefe as applied to claims 1-6 and 18-20 above, and further in view of EPO 0 032793.

WO 01/08541 teaches what it set forth above but fails to specifically suggest that the substrate is a nonwoven scrim. A person having ordinary skill in the art at the time the invention was made would have found it obvious to have employed a nonwoven scrim as the substrate layer in O'Keefe's composite. One would have been motivated to do this as the processing costs associated with manufacturing a nonwoven scrim are far cheaper than a woven substrate. Further, the use of a nonwoven scrim is also exemplified in the aforesaid EPO reference.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-873-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

MS. ARTI SINGH  
Primary Examiner  
Art Unit 1771



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